

§ 301.64-2

believe that the Mexican fruit fly is present.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the quarantines and regulations in this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such regulated article is eligible for interstate movement in accordance with § 301.64-5(b).

Mexican fruit fly. The insect known as Mexican fruit fly (*Anastrepha ludens* (Loew)) in any stage of development.

Moved (movement, move). Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

Person. Any individual, partnership, corporation, company, society, association, or other organized group.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Protection Act and related legislation, quarantines, and regulations.

Quarantined area. Any State, or any portion of a State, listed in § 301.64-3(c) or otherwise designated as a quarantined area in accordance with § 301.64-3(b).

Regulated article. Any article listed in § 301.64-2 of otherwise designated as a regulated article in accordance with § 301.64-2(c).

State. Each of the several States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States and all other ter-

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ritories and possessions of the United States.

[48 FR 54580, Dec. 6, 1983, as amended at 57 FR 521, Jan. 7, 1992; 66 FR 21051, Apr. 27, 2001; 70 FR 37253, June 29, 2005]

§ 301.64-2 Regulated articles.

(a) The following fruits are regulated articles:

Apple (*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Avocado (*Persea americana*)
Calamondin orange (*X citrofortunella mitis*)
Cherimoya (*Annona cherimola*)
Citrus citron (*Citrus medica*)
Custard apple (*Annona reticulata*)
Grapefruit (*Citrus paradisi*)
Guava (*Pisidium guajava*)
Japanese plum (*Prunus salicina*)
Lemon (*Citrus limon*) except Eureka, Lisbon, and Villa Franca cultivars (smooth-skinned sour lemon)
Lime (*Citrus aurantiifolia*) except sour limes
Mamey (*Mammea americana*)
Mandarin orange (tangerine) (*Citrus reticulata*)
Mango (*Mangifera indica*)
Nectarine (*Prunus persica*)
Peach (*Prunus persica*)
Pear (*Pyrus communis*)
Plum (*Prunus americana*)
Pomegranate (*Punica granatum*)
Prune, Plum (*Prunus domestica*)
Plummelo (Shaddock) (*Citrus maxima*)
Quince (*Cydonia oblonga*)
Rose apple (*Syzygium jambos* (*Eugenia jambos*))
Sour orange (*Citrus aurantium*)
Sapote (*Casimiroa* spp.)
Sapota, Sapodilla (Sapotaceae)
Sargentia, yellow chapote (*Sargentia greggii*)
Spanish plum, purple mombin or Ciruela (*Spondias* spp.)
Sweet orange (*Citrus sinensis*)

Except that the list does not include any fruits which have been canned, or frozen below -17.8°C (0°F);

(b) Soil within the drip line of plants which are producing or have produced the fruits listed in paragraph (a) of this section, and

(c) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraph (a) or paragraph (b) of this section, when it is determined by an inspector that it presents a risk of spread of the Mexican fruit fly and the person in possession thereof has actual notice that

the product, article or means of conveyance is subject to the restrictions of this section.

[48 FR 54580, Dec. 6, 1983, as amended at 64 FR 71269, Dec. 21, 1999]

§ 301.64-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a quarantined area in paragraph (c) of this section, each State, or each portion thereof, in which the Mexican fruit fly has been found by an inspector or in which the Deputy Administrator has reason to believe that the Mexican fruit fly is present, or each portion of a State which the Deputy Administrator deems necessary to regulate because of its proximity to the Mexican fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mexican fruit fly occurs. Less than an entire State will be designated as a quarantined area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a quarantined area will otherwise be adequate to prevent the artificial interstate spread of the Mexican fruit fly.

(b) The Deputy Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing such area. Written notice of such designation shall be given to the owner or person in possession of such nonquarantined area, and, thereafter, the interstate movement of any regulated article from such area shall be subject to the applicable provisions of this subpart. As soon as practicable, such area shall be added to the list in paragraph (c) of this section or such designation shall be terminated by the Deputy Administrator or an inspector, and notice

thereof shall be given to the owner or person in possession of the area.

(c) The areas described below are designated as quarantined areas:

TEXAS

Cameron County. The entire county.

Hidalgo County. The entire county.

Willacy County. The entire county.

[48 FR 54580, Dec. 6, 1983]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 301.64-3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 301.64-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:³

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.64-5 and 301.64-8;

(b) Without a certificate or limited permit, if:

(1) The regulated article originated outside the quarantined area and is either moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Mexican fruit flies (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is clearly indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area; and

(3) The regulated article is moved through the quarantined area without stopping except for refueling or for normal traffic conditions, such as traffic lights or stop signs; or

(c) Without a certificate or limited permit, if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a departmental permit issued by the Administrator for the regulated article;

³Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.